

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KRISTA GLADNEY,

Petitioner,

Case Number 2:20-CV-11521
HON. GEORGE CARAM STEEH

v.

JEREMY HOWARD,

Respondent.

_____/

**OPINION AND ORDER GRANTING PETITIONER'S MOTION
FOR AN EXTENSION OF TIME TO FILE HER AMENDED
HABEAS PETITION AND MEMORANDUM OF LAW**

Krista Gladney, ("Petitioner"), filed a *pro se* pleading which the Clerk's Office construed and filed as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This Court granted petitioner an extension of time to file an amended petition for a writ of habeas corpus and a memorandum of law in support of her petition, because the Coronavirus pandemic forced the prison where she is incarcerated to close its law library, making it impossible for her to research and write a proper habeas petition. The Court held the case in abeyance and administratively closed the case.

Petitioner has filed what she labels a motion to reopen the habeas petition. In actuality, petitioner argues she needs additional time to file her

amended petition and memorandum of law. For the reasons that follow, the motion is GRANTED.

This Court granted an extension of time to file an amended habeas petition in part because Governor Gretchen Whitmer had extended the State of Emergency for the State of Michigan until at least August 11, 2020, due to a rise in Coronavirus cases. *See Rivals, Whitmer unite for mask message*. Detroit Free Press, July 16, 2020, 2020 WLNR 19769644. The Court gave petitioner ninety days from the date that the Governor's State of Emergency is lifted to file her amended habeas petition and her memorandum of law in support of the petition.

Petitioner in her current motion notes that the Michigan Supreme Court on October 2, 2020, ruled Governor Whitmer's executive orders regarding the Coronavirus Pandemic to be unconstitutional. Petitioner fears that the Michigan Supreme Court's ruling nullifies this Court's prior extension order because the rationale behind the order, the Governor's executive orders regarding the Coronavirus Pandemic, is void.

The Michigan Supreme Court's order does not nullify this Court's previous order. To avoid any confusion to petitioner, however, the Court will give petitioner an additional ninety days from the date of this order to file her amended habeas petition and memorandum of law. As mentioned

in the previous order, when petitioner moves to reopen the case, she will be required to pay either the \$ 5.00 filing fee or submit an application to proceed *in forma pauperis*.

ORDER

IT IS ORDERED that:

- (1) Petitioner is **GRANTED** a second extension of time to file an amended habeas petition and memorandum of law in support of the petition. Petitioner shall have **ninety (90) days** from the date of this order to file her amended habeas petition and memorandum of law. Petitioner shall file a motion to reopen the petition under the current case number and using the current caption. Petitioner shall submit either the \$ 5.00 filing fee or an application to proceed *in forma pauperis* when she moves to reopen the case.
- (2) Upon receipt of a motion to reopen the habeas petition, the Court will order the Clerk to reopen this case for statistical purposes.

Dated: November 13, 2020

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on November 13, 2020, by electronic and/or ordinary mail and also on Krista Gladney #276752, Huron Valley Complex – Womens, 3201 Bemis Road, Ypsilanti, MI 48197.

s/Brianna Sauve
Deputy Clerk